



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 11/02/00

Agenda Item 1

TO: Planning Commission

FROM: Tim R. Koonze, Development Services Specialist

SUBJECT: Tentative Map Tract 7040 – Leonard Perillo (Applicant/Owner) – Request for a 12-Month Extension of the Tentative Map to Subdivide a .X2 Acre Parcel into 14 Residential Condominium Units – The Property is Located at 24709 O’Neil Avenue, Westerly Side, 430± Feet North of Orchard Avenue

RECOMMENDATION:

It is recommended that the Planning Commission rely on the previously adopted environmental document and find that no further review is necessary and approve a 12-month extension of the tentative map for Tract 7040 subject to the attached findings.

DISCUSSION:

On November 12, 1998, the Planning Commission approved Site Plan Review Application No. 98-130-I 1 and Tentative Map Tract 7040 to build a condominium project. The tentative map was initially valid for two years. The State Subdivision Map Act allows for discretionary extensions up to five years. At this time staff recommends a 12-month extension due to recent inclusion of this property in the expanded redevelopment area. The applicant is requesting the extension so that the proposed project can continue to be marketed. If the tentative map extension is approved, the Municipal Code allows for the automatic extension of the site plan review application.

The property is zoned RH-SD2 (High Density Residential-Mission Corridor Special Design Overlay District) and has a General Plan Map designation of Residential High Density (17.4 to 34.8 units per net acre). The subdivision density is 17.0 units per acre which is consistent with the General Plan designation for the property. The proposal is consistent with both the Zoning Ordinance and the General Plan.

The subdivision is located within the ongoing Mission Boulevard Corridor Redevelopment Study Area that includes a Preliminary Plan that was adopted by the Planning Commission on July 13, 2000. The goals of the Preliminary Plan reflect the policies contained in the General Plan and corresponding neighborhood plans as does the proposed development.

The initial approval of this subdivision included the approval of a negative declaration. No changes to the project are proposed as part of the tentative map approval extension and there have been no significant changes in the area or in City ordinances that would require a new environmental study.

Public Notice

On October 19, 2000, a notice was mailed to all property owners and abutting residents within 300 feet of the subject property. A public hearing notice was published in the "Daily Review."


Conclusion

Staff recommends **that** approval of a 12-month time extension (until November 12, 2001). Since approval of the project, there have been no changes in City policies or ordinances that would affect the **project**. The project complies with existing codes and regulations and neither the City nor the developer is seeking any modifications from the previous approval.

Prepared by:


Tim R. Koonze
Development Services Specialist

Recommended by:


Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Findings for Approval
- C. Planning Commission Meeting Minutes and Staff Report, dated November 12, 1998
Tentative Map Tract 7040

Leonard Perillo (Applicant) 24709 O'Neil Ave.

FINDINGS FOR EXTENSION OF APPROVAL

For

**Tentative Map Tract 7040 and Site Plan/Zone Change Application No. 98-130-11
LEONARD PERILLO (APPLICANT/ OWNER)**

- A. That the project layout and proposed structures are compatible with on-site conditions and surrounding properties and **reflect** a level of development which neighboring properties already enjoy.
- B. That the proposed 14-unit project as modified by the recommended Conditions of Approval complies with the intent of City development policies and regulations as contained in City Design Review Guidelines and the General Plan and the Mission-Foothills Neighborhood Plan.
- C. That the density of the proposed condominiums is in conformance to the General Policies Plan Map designation and zoning classification and that the concept of the project's design with covered garage parking, the townhouse design, and the provision for usable open space will be compatible with adjacent residential properties.
- D. That the development will operate in a manner determined to be acceptable and compatible with surrounding development in that project tenants will be able to function like any other multi-family development with on-site parking, group and private recreational space and well-designed living area, including storage, laundry facilities, etc.

MINUTES

REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD, Council
Chambers, Thursday, November 12, 1998,
7:30 p.m. 777 "B" Street, Hayward, CA 94541

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Williams, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Bennett, Bogue, Caveglia, Fish, Halliday, Kirby
CHAIRPERSON Williams
Absent: COMMISSIONER Fish, Halliday

Staff Members Present: Anastas, Anderly, Looney, McClellan

General Public Present: Approximately 8

PUBLIC COMMENT

Al Reynolds, 2547 Erskine Lane, asked whether there is any information regarding the change in ownership of the A&M gas station at the corner of Hesperian and Depot Road. He would like further information.

AGENDA

1. **TENTATIVE TRACT MAP NO. 7040 AND SITE PLAN REVIEW APPLICATION NO. 98-130-11 - LEONARD PERILLO/PERILLO INVESTMENTS (APPLICANT/ OWNER)** - Request to subdivide a 0.82-acre parcel to build 14 residential condominiums (townhomes) within 5 three-story buildings and for approval for the design of the townhomes. The site is located at 24709 O'Neil Avenue, westerly side, approximately 430 feet north of Orchard Avenue within the RH-SD2 (High Density Residential-Mission Corridor Special Design Overlay) District.
2. **VESTING TENTATIVE MAP TRACT 7044 AND SITE PLAN REVIEW NO. 98-130-10 - PASSPORT HOMES, NC. (APPLICANT), TOM & HELGA BARRAS, ET AL (OWNERS)** - Request to subdivide three parcels totaling 1.92 acres into 13 parcels ranging in size from 4,786 square feet to 7,081 square feet and to request approval of site and architectural plans for 13 single-family dwellings. The proposed project is located at 24912, 24918 and 24924 Mohr Drive and will include extension of Bamboo Court.

PUBLIC HEARINGS

1. **TENTATIVE TRACT MAP NO. 7040 AND SITE PLAN REVIEW APPLICATION NO. 98-130-11 - LEONARD PERILLO/PERILLO INVESTMENTS (APPLICANT/ OWNER)** - Request to subdivide a 0.82-acre parcel to build 14 residential condominiums (townhomes) within 5 three-story buildings and for approval for the design of the townhomes. The site is located at 24709 O'Neil Avenue, westerly side, approximately 430 feet north of Orchard Avenue within the

Senior Planner McClellan described **the** project and **asked** for approval of the negative declaration, the tentative tract map, **and** the site plan review. He indicated that the plan is consistent with the General Policies Plan **and** the Neighborhood Task Force proposal **as well** as promoting **home** ownership. He said that the parking was adequate with 28 spaces required and 30 being proposed. There is not lot of parking in the neighborhood during the day time but more would be available during evening and weekend hours when nearby businesses are closed.

Public Hearing Opened at 7:51 p , m.

Dushan Hrovat, 2120 Stockton Street, Apartment 203, San Francisco, architect for the project. explained that to be a viable project it had to have more living space rather than a second garage.

Public Hearing Closed at 7:54 p.m.

Commissioner Kirby said he supports this type of density and the use is appropriate. However, he said he was uncomfortable with the design and layout of the homes. He was struggling with the concept **of** maximizing the space by separating the bedrooms by two-floors. He indicated that he could not support the project the way it was configured.

Commissioner Bogue agreed that the layout of the floor plan was a problem. Although the design and density work, the areas don't combine well.

Commissioner **Bennett moved**, seconded by Commissioner Caveglia, to approve the negative declaration, **approve** the Tentative Tract Map, and approve the Site Plan Review.

Commissioner Bennett added that having been chairperson **of** the **Mission-Foothill Task Force**, she was pleased to see this project which would be an asset to the neighborhood. She did have a problem with only one **covered** space per dwelling unit but it is comparable with the Atherton townhomes.

Commissioner Caveglia added that the floor plan is not in the Planning Commission's purview and should not determine their decision. This should be an improvement for the area.

The **motion carried** by the following vote:

AYES:	COMMISSIONERS Bennett, Bogue, Caveglia, CHAIRPERSON Williams
NOES:	COMMISSIONER Kirby
ABSENT:	COMMISSIONERS Fish, Halliday

- 2 **VESTING TENTATIVE MAP TRACT 7044 AND SITE PLAN REVIEW NO. 98-130-10 - PASSPORT HOMES, INC. (APPLICANT), TOM & HELGA BARRAS, ET AL (OWNERS) - Request to subdivide three parcels totaling 1.92 acres into 13 parcels ranging in size from 4,786 square feet to 7,081 square feet and to request approval of site and architectural plans for 13 single-family dwellings. The proposed**



ITEM NO: 1

AGENDA REPORT
PLANNING COMMISSION ■ CITY OF HAYWARD

MEETING OF:

November 12, 1998

TO: Planning Commission

FROM: Sheldon McClellan, Senior Planner
Bashir Anastas, Development Services Engineer

SUBJECT: **TENTATIVE TRACT MAP NO.7040 AND SITE PLAN REVIEW APPLICATION NO. 98-130-11- LEONARD PERILLO/PERILLO INVESTMENTS (APPLICANT/OWNER)**-Request to subdivide a 0.82-acre parcel to build 14 residential condominiums (townhomes) within 5 three-story buildings and for approval for the design of the townhomes.

The property is located at 24709 O'Neil Avenue, westerly side, approximately 430 feet north of Orchard Avenue within the RH-SD2 (High Density Residential-Mission Corridor Special Design Overlay) District.

RECOMMENDATION:

It is recommended that the Planning Commission:

1. Approve the Negative Declaration and find that the document is complete and final in accordance with the California Environmental Quality Act Guidelines and reflects the independent judgement of the Planning Commission;
2. Approve the Tentative Tract Map based on the attached findings and conditions of approval; and
3. Approve the Site Plan Review based on the attached findings and conditions of approval.

DISCUSSION:

Background

This property was zoned Industrial District when the City adopted its Zoning Ordinance in 1959. In 1989, that zoning was changed to Medium Density Residential District, and in 1992, the zoning was changed to High Density Residential to implement the Mission-Foothills Neighborhood Plan. The property is adjacent to a commercial building containing a construction company and a cabinet shop.

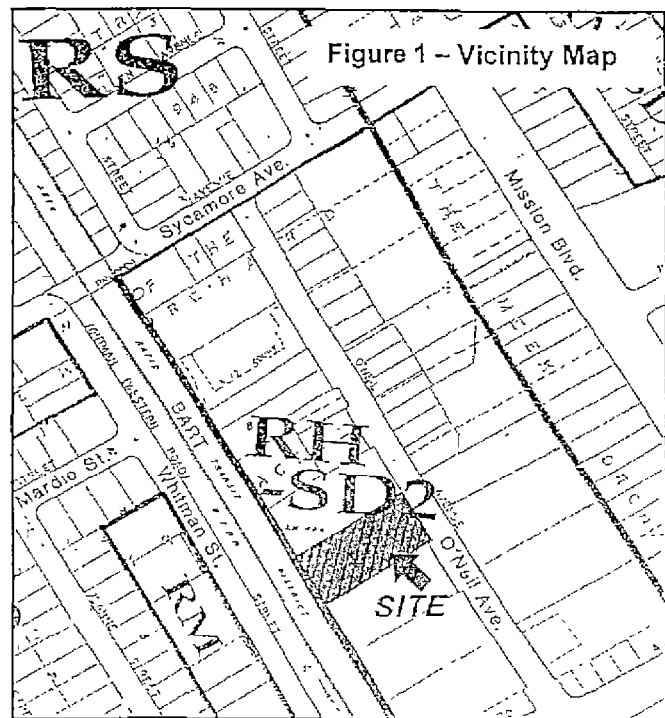
The property is a 0.8 acre rectangular parcel, 125 wide and 290 feet deep. It is relatively flat with no structures and has few ornamental trees dispersed throughout the site.

Setting

The general area is an established single and multi-family neighborhood with legal non-conforming commercial and light industrial uses. Properties on both sides of O'Neil are zoned RH-SD2 (High Density Residential-Mission Corridor Special Design Overlay District).

The area north of the site contains a mixture of single and multi-family dwellings and a commercial use. To the south of the site, and across the street to the east, there are single-family homes and several apartment units extending to the corner of O'Neil and Orchard Avenue.

Directly across the street from the property is the parking area of the Hayward Dodge Automobile Dealership. The Union Pacific Railroad and BART tracks are located to the west of the site.



Project Description

The applicant proposes to subdivide the property into 14 condominium units to be located in five, three-story buildings. Figure 2 shows a conceptual site plan.

The main entries and garages to all the townhomes are oriented toward an interior private street that will have stamped concrete plazas. All the units have private backyards that are at least 255 square feet in area, with Plan B units having yard areas of over 500 square feet.

Townhouse Designs

The applicant proposes two different floor plans. Plan A is a 1,580-square-foot unit (includes garage) and has 2 bedrooms, one-full bathroom and 1/4 bathroom, with a bonus room on the ground floor next to the single-car garage. This unit is shown with a bonus room next to the single-car garage with no bathroom. An alcove off the garage provides room for laundry facilities on the ground floor. The second floor consists of a dining area, a living room with a fireplace, a kitchen and a 1/4 bathroom. The third floor consists of a master bedroom, a bedroom and a full bathroom.

Plan B is a 1,640-square-foot unit (includes garage) containing 3 bedrooms each and 2-full bathrooms and one 1/4 bathroom. This unit is designed with a bedroom and a bathroom on the first floor with the one-car garage. The B plan includes a balcony on the second floor to the rear of the unit accessible through the dining area.

Buildings 1 and 2 are 30'-5" in height, Buildings 3 and 4 are 30'- 11" in height and Building 5, located **in the** rear of the property, is 32'-5" in height. All of the buildings comply with the 40-foot height limit for multiple-family high-density units.

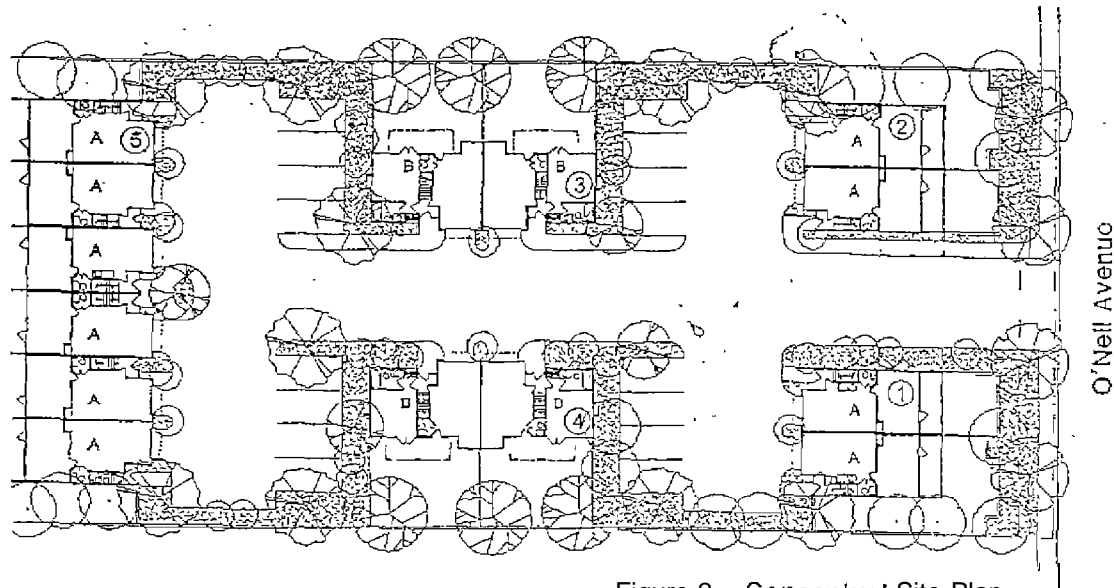


Figure 2 – Conceptual Site Plan

The project is located within the Mission Corridor Special Design Overlay District (RH-SD2) which requires a Spanish Ranch style with low pitched tile roofs, textured warm earthtone of off-white colors, French doors and windows, and wooden elements such as exposed posts and beams. As designed, staff believes that the project complies with the requirements of the overlay district and the City of Hayward Design Guidelines.

The townhomes are broken in their mass by varied low-pitched hip and gable tile roofs with decorative chimneystacks and variations in building façades including pop-out elements, balconies, chimnies and decorative molding. The facades of the buildings exhibit a mix of arched windows and doorways, French windows and decorative window and vent accents. The ground floor entryways include archway and stucco column elements, French doors and panelized main entry doors. Balcony roofs are supported by painted wood posts. The balcony decks are protected by earthtone painted metal railings. Ground floor stucco columns support the decks of the balconies under which French doors open into the wall enclosed private yards. The buildings will be painted warm earth tones with accent striping

Access to the project is from a private street which is sited at the center of the property fronting O'Neil Avenue. Each unit will have a single-car garage. There are 16 uncovered parking spaces to be located within 4 parking bays of 4 parking spaces each located on both sides of Buildings 3 and 4. The project meets the required 2.1 parking spaces required for multi-family units with two or more bedrooms.

The project will be landscaped with a mixture of groundcover and shrubs adjacent to all buildings and parking areas. A mixture of evergreen and deciduous trees will be located throughout the project and a row of trees will line the rear of the site along the 8-foot sound wall proposed adjacent to the BART and Union Pacific Railroad tracks.

The applicant proposes a 4-foot-high fence to be placed 10 feet behind the City sidewalk. Five feet of this landscaping will be within the public right of way. Staff believes that this fence should be up-graded and constructed as a stucco wall to match the architecture of the project and that the developer install the landscaping within the enclosed yard areas in front of buildings 1 and 2 in order to maintain continuity of the overall project landscape design and enhance the appearance of the complex from the street. These requirements are covered by the conditions of approval.

A homeowners' association, created for this development, will maintain common building, parking, and landscaped areas.

A 6-foot high wooden fence will be built on the northerly and southerly boundaries of the project site. In addition, an 8-foot-high concrete block or precast concrete fence will be built at the rear of the property. This 8-foot-high fence is necessary in order to bring the project into compliance of the City's requirement for sound attenuation. The fencing and the placement of the townhomes on parcel will allow for privacy and buffered protection from adjacent land uses and the railroad and BART trains.

General Plan, Zoning, and Neighborhood Plan Consistency

This project is consistent with goals, policies and requirements of the General Policies Plan, the Zoning Ordinance, and the Mission-Foothills Neighborhood Plan.

The site is designated as High Density Residential on the General Policies Plan **Map A**. A goal of the Housing Element of the General Policies Plan "*Encourages the provision of housing units in a variety of housing types which accommodate the diverse housing needs of those who live, or wish to live in the City.*" In addition, Policy 1.2 is to "*Promote development of infill housing units within existing residential neighborhood in a variety of housing types*" The Housing Element promotes ownership housing and sets forth a 70% owner-occupancy goal to achieve the purpose of promoting a broad range of homeownership opportunities for those living and working in the City and the purpose of stimulating and enhancing neighborhood stability and to encourage the maintenance and upkeep of the housing stock as well as help to preserve the character of existing neighborhoods. The proposed townhouse project which is to be sold to the occupant complies with this housing goal and supports these purposes.

The site is zoned RH-SD2 (High Density Residential Mission Corridor Special Design Overlay District). The density and the design of the buildings are consistent with the zoning designation and the with the Mission-Foothills Neighborhood Plan:

Policy C "Shape residential development for long-term livability" by development of attractive high-density development.

Policy I "Build Community" by application of Design Guidelines and tree planting and preservation programs"

This project meets these policies of the Neighborhood plan and will help to foster a cohesive neighborhood.

Hayward Unified School District Referral

While the Mission-Foothills Neighborhood Plan boundary does not include an elementary school facility, the district indicates that the development of the site is very small and that the number of students generated from the 14 units would also be small. Based upon Hayward Unified School District 1998 figures, the proposed 14 new townhomes will result in an estimated 10 school-age children (three K-3rd grade, two 4th -6th grade, two 7th - 8th grade, and three 9th - 12th grade students). Elementary students in this residential project would attend Muir School (grades K-6). Muir was built for 540 students. The current enrollment is 707. Eleven portables have been placed on the campus to accommodate the additional enrollment. (Note: Last year the enrollment at Muir reached 790 and the projections for 1998-99 was even higher, so the District moved a portion of attendance boundary to Schafer Park School.)

The state's Class Size Reduction program reduces the K-2 class size to 20:1. At Muir, the implementation of the 20:1 program requires 7 additional classrooms over the number that would have been needed if the student-teacher ratio were 30:1.

This proposed development would generate 10 additional students in grades K-6. These students could be accommodated within the existing staffing level and classroom allocation according to the letter received from the Hayward Unified School District. The district expects to receive the statutory dollar per square foot limit for Development fees.

With the passage of Proposition 1A on November 3, 1998, local governments are prohibited from denying projects based on the adequacy of school Facilities and from seeking funds to mitigate impacts in excess \$1.93 per square foot for residential construction. (See condition 22C)

Circulation and Traffic

Access to the site is available from O'Neil Avenue, a collector street that connects to Orchard Avenue to the south and Sycamore Avenue to the North. Both Orchard and

Sycamore connect to Mission Blvd, which lies approximately 450 feet to the east. These roadways can adequately handle traffic from the proposed project.

On-site circulation is provided by a 24-foot-wide private street, with two travel lanes and no on-street parking. Adequate turnaround is provided, and there is provision for 16 on-site parking stalls.

Utilities & Engineering Services

No major issues related to utilities and engineering services are identified for this project. The respective service providers indicate that adequate capacity is available to serve the project subject to standard improvement requirements.

Water, sewer, and storm drain mains within O'Neil Avenue will serve the project. Each unit will be individually metered for water, and a separate meter will be installed for common landscape areas. An 8-inch diameter sanitary sewer main will be constructed to serve the development, and each unit will have a separate sanitary sewer lateral connection. The on-site water and sewer systems will be designed and constructed to public standards, and accepted as public facilities within public utility easements. The storm drain system on the other hand, will be private, owned and maintained by the homeowners association.

The property is relatively flat, requiring a minimal amount of grading. A geotechnical report was prepared for the site in 1937, when an apartment project was contemplated. The report makes recommendations for the foundation design to mitigate against the site's expansive near-surface soils. The project is conditioned on updating the report and incorporating all pertinent recommendations in the design.

Noise Study

An environmental noise evaluation dated May 7, 1998, was prepared for the property by Thorburn Associates. The report indicates that the site has an average exterior noise level of between 73 dB along the BART lot line and 64 dB along the O'Neil Avenue. In order to meet City requirements for a 45 dB interior noise level, and 65 dB exterior noise level, the report recommends sound insulating windows, backyard fencing, and an 8-foot high sound wall along the BART lot line. These recommendations are incorporated as conditions of approval for the tract.

Environmental Review

In accordance with California Environmental Quality Act Guidelines, the Negative Declaration was posted in the City Clerk's office and a notice of its availability for public review was noticed on September, 1998, announcing a 20 day review period ending October 15, 1998. The Negative Declaration concluded that the project would have no significant impacts. A copy of the Negative Declaration and Initial Study is attached.

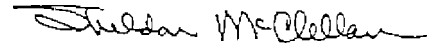
Public Notice

On November 2, 1998, public notices were sent to surrounding property owners and occupants within 300 feet, and interested parties, homeowner associations, and current and former Harder-Tennyson Neighborhood Plan Task Force members, announcing a public hearing. A public notice was published in the "Daily Review" on November 2, 1998.

Conclusion

The proposed project is consistent with adopted land use policies of the Housing Element of the General Policies Plan and the Mission-Foothill Neighborhood Plan. Both encourage high-density housing and the opportunities for home ownership. Staff recommend approval of the project subject to the attached conditions, which are standard conditions of approval for a condominium project.

Prepared by,



Sheldon McClellan
Senior Planner



Bashir Y. Anastas, P.E.
Development Services Engineer

Approved by,



Dyana Anderly, ATCP
Development Review Services Administrator

Attachments:

- A - Findings for Approval of Tentative Parcel Map No. 7040
- B - Findings for Approval of Site Plan Review No. 95-130-11
- C - Conditions of Approval for Tentative Parcel Map No. 7040
- D - Conditions of Approval for Site plan Review No. 95-130-11
- E - Negative Declaration and Initial Study
- F - Noise Study
- Tentative Parcel Map No. 7040
- Tree Exhibit
- Elevations and Floor Plans

**FINDINGS FOR APPROVAL
TENTATIVE TRACT MAP 7040
FOR 14 CONDOMINIUM UNITS
24709 O'Neil Avenue**

Based on the public hearing record, the Planning Commission finds as follows:

- A. The tentative. tract map, as conditioned, has been found to be in substantial conformance with the project reviewed under the attached Negative Declaration, which reflects the independent judgment of the Planning Commission.
- B. The tentative tract map and the proposed site plan substantially conform to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, and the Mission-Foothills Neighborhood Plan.
- C. The design of the subdivision and the proposed improvements are in conformance with the conditions of approval and will not conflict with easements for access through, or use of, property within the subdivision.
- D. The land being subdivided is for residential use and the drainage from such a use does not violate the requirements prescribed by the Regional Water Quality Control Board.
- E. None of the findings set forth in Section 66474¹ of the Subdivision Map Act have been made, and the approval of the vesting tentative map is granted subject to the recommended conditions of approval.
- F. Development of the lots in conformance with the proposed conditions of approval and in compliance with City codes will mitigate any significant environmental or other impacts, i.e., drainage, soils instability, noise, or traffic problems.
- F. The site is physically suitable for the proposed type of development, and upon implementation of the proposed conditions of approval, the streets and utilities would be adequate to serve the development.

¹ The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows,

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development
- (d) That the site is not physically suitable for the proposed density of development
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision

**FINDINGS FOR APPROVAL
SITE PLAN REVIEW APPLICATION NO. 98-130-11
Leonard Perillo/Perillo Investments (Applicant/Owner)**

- A. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared with a determination that the project will not have a significant impact on the environment because no significant impacts were identified.
- B. The development complies with the intent of City development policies and regulations including the City of Hayward General Plan and the Mission-Foothills Neighborhood Plan which urges support of multi-family residential housing on this part of O'Neil Avenue.
- C. The proposed 14-unit condominium project is compatible with on-site structures as proposed and with surrounding buildings and uses.
- D. The project takes into consideration the physical and environmental constraints of the property. To reduce the noise impacts from the railroad and BART tracks at the rear of the property, an 8-foot- high sound wall is being proposed along the rear property line.
- E. The development complies with the intent of City development policies and regulations.
- F. The 14-unit condominium project is designed to be operating in a manner determined to be acceptable and compatible with surrounding development.

CONDITIONS OF APPROVAL
TENTATIVE TRACT MAP 7040
FOR 14 CONDOMINIUM UNITS
24709 O'Neil Avenue

Unless otherwise stated, all necessary easements and street rights-of-way shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code (Chapter 10, Article 3, and Standard Specifications and Details) unless otherwise indicated.

In addition to the City of Hayward Standard Specifications and Details, the following requirements and conditions apply:

PRIOR TO THE RECORDATION OF THE FINAL MAP

Dedications and Easements

1. The final map shall include an irrevocable offer of dedication to the City of Hayward for O' Neil Avenue, based on a 68-foot-wide standard.
2. The final map shall include an irrevocable offer of dedication to the City of Hayward, for a 6-foot-wide public utility easement, parallel to and abutting the public street right-of-way.
3. The final map shall include an irrevocable offer of dedication to the City of Hayward, for a 16-foot-wide public utility easement within the private drive. (Water & sanitary sewer).
4. Prior to the approval of the final map, all documents to be recorded with the final map shall have been approved by the City Engineer. Any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.

Conditions, Covenants? and Restrictions

5. The applicant/developer shall establish a homeowners' association, or some alternate mechanism acceptable to the City, and prepare project CC&R's for the development which shall be reviewed and approved by the Director of Community and Economic Development/Planning Director and include the following conditions:
 - a. A requirement that a Homeowners' Association Architectural Review Committee be established to review and approve all exterior improvements; including fences, walls or changes to individual homes to ensure consistency with the CC&Rs;

- b. The homeowners' association shall be required to maintain the planters, walls and fences on the property in good repair and free of graffiti;
- c. The homeowners' association shall maintain the landscape and irrigation in all common areas, and the City shall have the right to enter upon the property to maintain the exterior portions of the common area at the expense of the homeowners association per Section 10-3.385 of the Subdivision Ordinance .

Subdivision Agreement

- 6. The developer shall enter into a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code.
- 7. The developer shall provide liability insurance per Section 7-2.41, Responsibility for Accidents, Liability Insurance, of the Municipal Code.

Public Street Improvements

- 8. Install public street improvements on O'Neil Avenue along the property frontage, including curb, gutter, and sidewalk? based on a 68-foot-wide public street standard. The private street intersection with O'Neil Avenue shall be per City of Hayward detail SD-110A, sheet 1 of 1.
- 9. Install/reconstruct pavement along property frontage on O'Neil Avenue in conformance with City Standard Detail SD-113 for tie-in pavement. Rebuild or pave additional existing pavement to conform to the new grade at the centerline.

PRIOR TO GRADING

- 10. Submit an updated geotechnical engineering report for review and approval by the City Engineer. Grading plans shall incorporate the report's recommendations as approved by the City Engineer.
- 11. Submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building or grading permits. These BMPs shall be implemented by the general contractor **and** all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order.
- 12. Grading, erosion and sedimentation control plans, which include adequate provisions for silt and erosion control in both construction and post construction phases of development, shall be submitted for review and approval by the City Engineer

13. A Storm Water Pollution Prevention Plan (SWPPP), showing how storm water quality will be protected during and after the construction phase, shall be submitted for review and approval of the City Engineer. The plan shall also reflect the Best Management Practices Handbook for Construction Activities. It is the responsibility of the applicant/developer to comply with Federal, State and local water quality standards and regulations.
14. No site grading shall occur during the rainy season, between October 15 and April 1.5, unless approved erosion control measures are in place. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.
15. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the Alameda County Flood Control and Water Conservation District. The proposed curb elevations are not to be less than 1.25 feet above the hydraulic grade line, as shown in Figure 14 of the Hydrology and Hydraulics Criteria Summary, and at no point shall the curb grade be below the energy grade line. The storm drain system shall be approved by the Alameda County Flood Control and Water Conservation District and the City Engineer.
16. The drainage system design shall use the Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition, to determine storm drainage runoff. The drainage system shall *be* designed to accommodate the run-off associated with a 10-year-storm.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

17. Required water system improvements shall be completed and operational prior to the start of combustible construction;
18. Emergency vehicle access shall be maintained via a minimum 24-foot-wide all-weather access road engineered for 50,000 pound gross vehicle weight.

DURING CONSTRUCTION

19. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the City Engineer:
 - a. Grading and construction activities shall be limited to the hours 8:00 AM to 5:00 PM on weekdays; there shall be no grading or construction activities on the weekend or national holidays;

- b. Grading and construction equipment shall be properly muffled;
 - c. Unnecessary idling of grading and construction equipment is prohibited;
 - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
 - e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise;
 - f. Daily clean up of trash and debris shall occur on O'Neil Avenue;
 - g. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
 - h. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas;
 - i. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
20. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
21. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

22. The developer shall pay the following fees;
- a. Water Facilities Fee and Sanitary sewer Connection Fee for each dwelling unit;
 - b. Supplemental Building Construction and Improvement Tax;
 - c. School Tax; and
 - d. Park Dedication in-lieu fees for each unit
- The amount of fees shall be in accordance with the fee schedule in effect at the time building permits are issued.
23. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans prior to the issuance of a certificate of occupancy.
24. There shall be clear, unequivocal constructive notice placed on the title to the affected properties stating that in the event that the subject homes are rented, leased, or

otherwise let for occupancy by persons other than the owners, owners shall provide notices identical to those on the CC&Rs relative to the fire suppression water system and the domestic water system to the prospective tenants, leases, and occupants.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

25. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
26. An AC overlay along O'Neil Avenue will be required by the City Engineer to repair any pavement damage resulting from construction traffic.
27. The subdivider shall submit an "as built" plan indicating the following:
 - a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, Pacific Bell facilities, TCI, etc;
 - b. All the site improvements, except landscaping species, buildings and appurtenant structures .
28. The private street shall be posted with signage that states "No Outlet ."

CONDITIONS OF APPROVAL

Site Plan Review Application No. 98-130-11

Leonard Perillo/Perillo Investments (Applicant/Owner)

General

1. The approval of this site plan review application is tied to the approval of Tentative map Tract 7040. No building permit shall be issued for any structure within this application until City Council has approved the Final Map and said Map is recorded with the county. All Conditions of Approval for Tentative Map Tract 7040 shall apply to this application as well.
2. Prior to final inspection/occupancy, conditions of approval shall be completed to the satisfaction of the Director of Community and Economic Development/Planning Director.
3. Revised plans that are to the satisfaction of the Director of Community and Economic Development/Planning Director shall indicate modifications as required by the conditions of approval and shall be submitted for approval prior to the issuance of a building permit.
4. Changes to the approved colors and materials shall be reviewed and approved by the Director of Community and Economic Development/Planning Director
5. Open parking spaces shall not be used for recreational vehicles, camper shells, boats, or trailers. Vehicles parked contrary to this provision shall be removed by the project homeowners association.. This requirement shall be reflected in the CC&Rs of the homeowner association.
6. Each unit garage shall be equipped with an automatic gal-age door opening mechanism.
7. A minimum of three open parking stalls on site shall be marked and maintained for visitor's parking,
8. The garage of each unit shall be maintained for off-street parking and shall not be converted to living area or storage. This requirement shall be incorporated into the project's CC&R's.
9. The tree well shown on the site plan and conceptual landscape plan within the street section between buildings 1 and 2 and buildings 3 and 4 shall be deleted,

10. Additional decorative stamped concrete pavement shall be provided within the private street in the general area between buildings 3 and 4 and/or between buildings 1 and 2 and O'Neil Avenue. The Planning Director shall approve the location of the decorative pavement.
11. Roofing material shall be concrete or clay mission barrel tile
12. Utility meters shall be located at the side of the condominium units and shall be screened by plant material or other approved material and shall provide sufficient distance for reader access.
13. No external individual television or radio transmission or reception antennas shall be permitted; a central television reception antenna or enclosed attic antennas shall serve all dwelling units; cable television transmission lines shall be underground.
14. The homeowners association shall maintain in good repair all building exteriors, fencing, parking surfaces, landscaping, irrigation system, lighting, drainage improvements, etc.
15. Prior to the issuance of the first building permit, detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*.
16. One 24" box street tree is required for every 20 lineal feet of frontage. Trees shall be planted according to the City Standard Detail SD-122.
17. A minimum of one 15-gallon tree shall be planted for every 20 lineal feet of property adjacent to the BART right-of-way. Trees shall be planted a minimum of 5' away from the inside of the wall. Irrigation shall be provided to each tree,
18. Vines shall be planted a maximum of 10' apart along the inside of the sound wall adjacent to the BART right-of-way. A 6" hole shall be provided at the base of the wall at each vine location to promote foliage on the wall exterior. Irrigation shall be provided to each vine.
19. An exterior hose bib shall be provided for each unit within the private yard or patio area.
20. The masonry wall along O'Neil Avenue shall be buffered with vines and shrubs on the street side and on the sides facing the driveway.
21. All above ground utilities, mechanical equipment and trash enclosures shall be screened from the street and drives with shrubs.

22. Trees shall be preserved in accordance with the *Tree Preservation Ordinance*. The project sponsor shall submit a tree survey prior to the issuance of a grading permit. The tree survey shall include the location, size, species and condition of each tree based upon ISA standard methods found in the *Guide for Plant Appraisal, 8th edition*. A tree removal permit is required prior to the removal of any trees. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect. All trees to be preserved or removed shall be indicated on the site and landscape plans, and noted with tree protection measures in compliance with City codes.
23. Landscape improvements shall be installed according to the approved plans prior to the issuance of a Certificate of Occupancy. A Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the final inspection and acceptance of improvements.
24. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Required street, parking lot and buffer trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.
25. Prior to the sale of any individual unit, or prior to the acceptance of tract improvements, whichever first occurs, a homeowners' association shall be created to maintain the common area landscaping and open space amenities. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair.
26. Mechanical equipment, such as air conditioners, shall be prohibited on the roof.
27. Each unit shall have and maintain a minimum of 90 cubic feet of storage area as required by the Zoning Ordinance. The Planning Director shall approve the location and design of the storage area.
28. The final map shall be filed and approved by the City and in the County Records Office prior to the issuance of a certificate of occupancy of any home.

Fences and Walls

29. Fencing enclosing the patio yards within the front yard setback area and fronting on O'Neil Avenue shall not exceed 4 feet in height and shall be constructed of masonry or stucco material. The design shall reflect the architecture of the residential buildings and comply with the SD-2 requirements.

30. A 6-foot-high solid board fence shall be placed along the northerly and southerly property boundaries and between private yard areas of townhomes. A decorative 6-foot-high solid masonry or concrete wall shall be constructed on the westerly property line and within the 20-foot return of the property lines along the northerly and southerly property boundaries. The wall design is subject to the approval of the City of Hayward Director of Community and Economic Development/Planning.

Utilities

31. Each dwelling unit shall be individually metered for water and have a separate sanitary sewer lateral connection to an 8 inch public main within the tract. The construction plans shall indicate the location of the sewer laterals and water services (including meter locations).
32. On-site storm drain facilities shall be privately owned and maintained by the homeowners association.
33. A reduced pressure backflow preventer shall be installed behind the water meter per City of Hayward Standard Detail 202.
34. Provide keys, access code, or automatic gate opener to utilities for all meters enclosed by a fence or gate per Hayward Municipal Code Section 11-2.07 .
35. The developer shall underground all new and existing on-site utility lines and transformers. All utility services shall be "underground services," and shall comply with the requirements and standards of the utility service provider.
36. All surface-mounted utility hardware (fire hydrants, electric meters, etc.) along the proposed streets shall be located outside of the sidewalk within the 6-foot-wide Public Utility Easement in accordance with City Engineer requirements or, where applicable, the Fire Chief.
37. Encase water pipe between water meter and backflow prevention device.
38. As-built plans showing utility locations shall be submitted to the Public Works Department.

Fire Department

39. Red-curbing and "Fire Lane" signage is required as per City Standard Details. Signage shall be installed at every 100 lineal feet. All red-curbing and "Fire Lane" signage shall be to the satisfaction of the Fire Marshall.
40. All curbs fronting travel ways where parking is not located, shall be painted red and signed to allow towing of illegally parked vehicles, and ensure adequate fire truck access.

- 41: The type and spacing of fire hydrants shall be subject to review and approval by the City of Hayward Fire Chief.
- 42. All homes are required to be fire sprinklered per NFPA 13-D standards,
- 43. Provide minimum 6-inch house numbers or 4-inch self-illuminated addresses.

Prior to Construction

- 44. The applicant shall submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building or grading permits. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order.
- 45. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPS) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff
- 46. The project plan measures shall also include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.

During Construction

- 47. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
- 48. During construction the contractor shall sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent streets; shall hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more); enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc), install sandbags or other erosion control measures to prevent silt runoff to public roadways; and replant vegetation in disturbed areas as quickly as possible.
- 49. Violation of these conditions is cause for revocation of the Site Plan Review application and subject to a public hearing before the City Council.



CITY OF HAYWARD
NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. *PROJECT DESCRIPTION:*

SITE PLAN REVIEW APPLICATION NO. 98-130-11/TRACT 7040 – PERILLO INVESTMENTS (APPLICANT/ OWNER) - Request to develop a 0.82-acre site with 10 two-bedroom and 4 three-bedroom townhomes within five buildings (4 duplexes and 1 sisplex) and request to subdivide one parcel totaling 0.82 acre into 14 residential condominium units within five two-story buildings with 14 double-car garages and 16 open standard-size parking spaces.

The site is located at 24709 O'Neil Avenue, westerly side, approximately 430 feet north of Orchard Avenue within the RH-SD2 (High Density Residential-Special Design No. 2 Overlay) District.

II. *FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:*

The proposed project will have no significant effect *On* the area's resources, cumulative or otherwise.

III. *FINDINGS SUPPORTING DECLARATION:*

1. The project site is outside the Earthquake Hazard Zone. A soils investigation report ~~m~~ill be required prior to issuance of a building permit.
2. CEQA Evaluation: The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared with a determination that the project will not have a significant impact on the environment.
3. The proposed development of 14 condominium units is in conformance with the General Policies Plan Map designation of "Residential High Density" and with the Mission Foothills Neighborhood Plan.
4. The proposed project is in conformance with the intent and purpose of the Zoning Ordinance designation of "High Density Residential District" for the property.



DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Development Review Services Division

INITIAL STUDY CHECKLIST FORM

Project title: Site Plan Review Application No. 98-130-1 1 & Tentative Map Tract 7040

Lead agency name and address: City of Hayward, 777 B Street, Hayward, CA 94545

Contact persons and phone number: Sheldon R. McClellan, Senior Planner (510) 583-4215

Project location: 24709 O'Neil Avenue, westerly side, approximately 42.5 feet north of Orchard Ave.

Project sponsor's name and address: Perillo Investments, 5337 College Avenue, Suite 327, Oakland, California 94618

General Plan designation Zoning: Residential - High Density Zoning: RH-SD2 (High Density Residential-Special Design No.2 Overlay) District

Description of project: Request to develop the 0.82-acre site with 10 two-bedroom and 4 three bedroom townhomes within five buildings (4 duplexes and 1 sixplex). Request to subdivide one parcel totaling 0.82 acre into 14 residential condominium units within five-hvo-story buildings with 14 single-car garages and 16 open standard-size parking spaces.

Surrounding land uses and setting:

The area is characterized with a mixture of single-family and multi-family residential units. Single-family residences are located to the north and south of the property. The Union Pacific Railroad tracks are located to the west and are only slightly elevated above the property grade. Across O'Neil Avenue arc other single-family dwellings and the rear parking area behind the Toyota dealership.

Other public agencies whose approval is required: None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Land Use and Planning	<input type="checkbox"/> Transportation/Circulation	<input type="checkbox"/> Public Services
<input type="checkbox"/> Population and Housing	<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Utilities and Service Systems
<input type="checkbox"/> Geological Problems	<input type="checkbox"/> Energy and Mineral Resources	<input type="checkbox"/> Aesthetics
<input checked="" type="checkbox"/> Water	<input type="checkbox"/> Hazards	<input type="checkbox"/> Cultural Resources
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Reclamation
<input type="checkbox"/> Mandatory Finding of Significance		

A Copy of the Environmental Checklist Form is on File At City Hall in the Planning Department.